

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

BRIAN S. JOHNSON and TERRY C. JOHNSON,

*Plaintiffs,*

vs.

DON ROYALTY, ET.AL.,

*Defendants.*

No. 1:21-cv-02654-JMS-TAB

**ORDER**

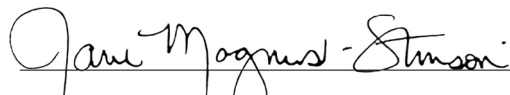
Plaintiffs Brian Johnson and Terry Johnson initiated this action against the United States of America, the State of Indiana, the Indiana Department of Revenue, and various individuals and business entities. [[Filing No. 1-2.](#)] Subsequently, the United States removed this matter to this Court pursuant to [28 U.S.C. § 1444](#). The Court notes that the Eleventh Amendment prevents federal courts from exercising jurisdiction over state defendants unless the state consents to jurisdiction or jurisdiction is authorized under federal law. [U.S. Const. amend. XI](#); [Ross v. Illinois](#), 48 F. App'x 200, 202 (7th Cir. 2002); [MCI Telecommunications Corp. v. Illinois Bell Tel. Co.](#), 222 F.3d 323, 337 (7th Cir. 2000); [Hans v. Louisiana](#), 134 U.S. 1 (1890). Consequently, the Court questions whether it has subject-matter jurisdiction over the claims asserted against the State of Indiana and the Indiana Department of Revenue. See [Mueller v. Thompson](#), 133 F.3d 1063, 1064 (7th Cir.1998) ("No magic words are required, but implicit waivers won't do; the court must be highly confident that the state really did intend to allow itself to be sued in federal court." (citations omitted)); [Seminole Tribe of Fla. v. Fla.](#), 517 U.S. 44 (1996) (Holding that a general authorization for suit in federal court is not the kind of "unequivocal statutory language" that is sufficient to abrogate state's sovereign immunity under Eleventh Amendment.); [Pennhurst State Sch. & Hosp.](#)

*v. Halderman*, 465 U.S. 89, 119 (1984) ("The Eleventh Amendment is an explicit limitation on the judicial power of the United States.").

The Court is not being hyper-technical: Counsel has a professional obligation to analyze subject-matter jurisdiction, *Heinen v. Northrop Grumman Corp.*, 671 F.3d 669, 670 (7th Cir. 2012), and a federal court always has a responsibility to ensure that it has jurisdiction, *Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 427 (7th Cir. 2009).

Accordingly, in order for the Court to determine whether it has jurisdiction over this matter, the parties are **ORDERED** to file a Joint Jurisdictional Statement by **November 12, 2021**, specifically addressing whether the Court has subject-matter jurisdiction over the claims against the State of Indiana and the Indiana Department of Revenue. If agreement cannot be reached on the contents of a Joint Jurisdictional Statement, competing statements must be filed by that date.

Date: 10/21/2021

  
Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

**Distribution via ECF only to all counsel of record**